

# Rights of Children and Young People Bill

## Consultation Paper

### Response Booklet

#### Responding to this consultation paper

We are inviting written responses to this consultation exercise by **Thursday 1 December 2011**.

We would be grateful if you would indicate clearly in your response to which questions or parts of the consultation paper you are responding to. We recommend using this response booklet, if possible. Please complete the respondent information form contained within the booklet.

#### Please send your response to:

[earlyyearslegislation@scotland.gsi.gov.uk](mailto:earlyyearslegislation@scotland.gsi.gov.uk)

or

Chris Bain  
Scottish Government  
Children's Rights and Well-being Division  
Area 2B (North)  
Victoria Quay  
EDINBURGH  
EH6 6QQ

If you have any queries or any comments on the consultation process, please contact Chris Bain at the address/email above or telephone 0131 244 4906.

#### Public engagement events

Five public engagement events have been arranged at cities across Scotland. All public engagement events will cover the same material and will follow the same format. Spaces at the seminars will be limited: to register your interest in attending one of these events, please visit <http://bookings.shscevents.co.uk/all/2787>. You will be contacted in due course to confirm whether or not you have a place.

## **Accessing this and other consultations**

This consultation, and all other Scottish Government consultation exercises, can be viewed online at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is. The Scottish Government now also has an email alert system for [SE consultations](#). You can register to receive a weekly email containing details of all new Scottish Government consultations at <http://www.scotland.gov.uk/consultations/seconsult.aspx>.

## **Access to consultation responses**

We will make all responses available to the public in the Scottish Government Library by 1 February 2012 unless confidentiality is requested. All responses not marked confidential will be checked for any potentially defamatory material before being logged in the library.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

**Scottish Government  
Children and Families Directorate  
September 2011**

## RESPONDENT INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

### YOUR DETAILS

Name <b>Ruth Boddie</b>
Address <b>Scottish Pre-School Play Association (SPPA)</b>
<b>21-23 Granville Street</b>
<b>Glasgow</b>
Postcode <b>G3 7EE</b>
Contact telephone number <b>0141 221 4148</b>
E-mail <a href="mailto:ruth.boddie@sppa.org.uk">ruth.boddie@sppa.org.uk</a>

1. Are you responding as: (please tick one box)

- (a) an individual  (go to 2a/b)
- (b) **on behalf of** a group or organisation  (go to 2c)

### INDIVIDUALS:

2a. Do you agree to your response being made available to the public (in the Scottish Government library and/or on the Scottish Government website)?

Yes (go to 2b below)

No, not at all  (We will treat your response as confidential.)

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

### ON BEHALF OF GROUPS OR ORGANISATIONS:

3. Your name and address as respondents **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you content for your response to be made available also?

Yes

No  (We will treat your response as confidential.)

### SHARING RESPONSES/FUTURE ENGAGEMENT

4. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No

### YOUR BACKGROUND

In analysing your response, it would help us to know what your background is. Please indicate using the boxes provided below the area which best describes your involvement with children and add any further comments you wish to make about this.

Early Years  Education  Health

Justice  Parent/Carer  Police

Social Work  Sport and Leisure  Voluntary Organisation

Other

Further comments:

**The Scottish Pre-school Play Association (SPPA) is Scotland's largest voluntary sector national umbrella organisation for the early years and provider of direct support services to community led childcare organisations. SPPA delivers essential support and guidance to providers of pre-school education and childcare services, including day care groups, playgroups, parent and toddler groups and under fives groups. Member groups operate throughout Scotland.**

**SPPA works with children and families and encompasses many of the most disadvantaged groups in Scotland, including families on low incomes, ethnic minority families, lone parent families and families affected by social or rural isolation. SPPA works closely with parents, early years providers and voluntary management committees, the Scottish Government, regulatory bodies, local authorities, childcare forums and locality networks, training providers and other umbrella organisations, to support the development and quality of early years settings. SPPA represents the interests of voluntary sector community based settings, providing input to national and local policy consultations and working groups.**

**SPPA supports the UNCRC. Its principles underpin all aspects of our work and are incorporated in the organisation's values. SPPA welcomes this opportunity to respond to the consultation on the Rights of Children and Young People Bill.**

## **YOUR VIEWS**

### **On the need for legislation**

**Q1** Do you agree that legislation to embed the UNCRC within the Scottish Government's decision-making and day-to-day business is necessary and appropriate?

**SPPA agrees that this will be a key piece of legislation to ensure that the Scottish Government places responsibility for compliance with the UNCRC centrally in the day to day business of Ministers. To ensure transparency, SPPA considers that, when the Bill becomes law, clear information would need to be gathered to ascertain how effective this law has been over time. To improve the impact of the UNCRC through local services delivered by local authorities and agencies, Scottish Ministers should ensure that there is recognition of the UNCRC and that local services are "act compatible". SPPA is aware that much work has been done to lay a foundation for this through implementation of Child Protection and Protection of Vulnerable Groups legislation, Getting it Right for Every Child, the Early Years Framework and Curriculum for Excellence. However, the 360 degree view of all children's services meeting the UNCRC requirements is outstanding. The proposed Children's Services Bill should be**

a vehicle to raise awareness and seek compliance with the UNCRC across Scotland's Services for Children and Young People.

### **Proposal 1**

**Q2** Do you agree that "due regard" is the appropriate level of regard for the duty on the Scottish Ministers? If not, why not?

**SPPA agrees that the introduction of this legislation is good practice and this will mean due regard is taken by Scottish Ministers on the UNCRC for Scotland's children. However, to plan to ensure the implementation of the UNCRC in domestic legislation, it would be a stronger message that the Rights of Children are applied locally where children access and need services.**

**Q3** Do you agree that the duty should apply to all the functions of the Scottish Ministers? If not, why not?

**SPPA agrees that the duty should apply to all the functions of Scottish Ministers. Scottish Ministers should have a national responsibility to oversee that Children's Rights are upheld in all services and communities. Leadership by Scottish Ministers to take on board the application of the UNCRC through their duties and responsibilities via the Bill is a starting point. The UNCRC also describes the role of local children's services providers and, so that the convention is equally applied, SPPA urges Ministers to embed this in domestic law. Raising awareness of the UNCRC through publicity should accompany the Bill as it becomes law and some of this should be aimed at parents and carers who share responsibility for ensuring children's rights under certain articles of the convention.**

## **Proposal 2**

**Q4** Do you agree with the proposed arrangements for reporting?

**SPPA considers that, as this is a new piece of legislation for Scottish Government, then the reporting frequency should be annually for the first three years and then biennially thereafter. This would allow for an evaluation of where the legislation is being effective and how consistently it is being applied. A designated parliamentary committee should oversee reporting. The 5 year reporting period for the UK is not sufficient and does not best service the immediacy of the needs and interests of children.**

## **Proposal 3**

**Q5** Do you agree with the extension of the duty in respect of UNCRC to young persons aged under 21 who have been looked after?

**SPPA agrees that this is a sensible measure for Scottish Ministers to take for looked after children. There are other vulnerable children or young adults whose needs should be covered by the convention if they are not already protected under other existing legislation. Therefore the legislation should extend to all vulnerable groups up to the age of 21.**

## **Proposal 4**

**Q6** Do you agree with the proposals for handling future amendments to the Convention or Protocols or new Protocols?

**It would be a positive step for Scottish Ministers to adopt the current protocols and to commit to examining any new ones with a view to adoption if appropriate.**

## **Other matters**

**Q7** Is there other provision which should be made in the Bill? (See section 3.3 which sets out what the Bill would not do.)

**SPPA feels that the Bill will raise the awareness of Scotland's people that Scottish Ministers will take due regard of the UNCRC. SPPA suggests that a publicity campaign, pointing out the shared responsibilities of providers of services for children and parents and carers, would reinforce the importance of the UNCRC. The introduction of the proposed Children's Services Bill should incorporate more than "due attention" to UNCRC and "Act compatible" would be appropriate to ensure Children's Rights are upheld.**

**Q8** Do you have any comments on implementation costs or how they should be estimated?

**SPPA acknowledges that there will be cost connected with the Bill and expects the Ministers to take a best value approach.**

**Q9** Do you have any other comments?

**SPPA considers that there is a role for Scottish Ministers to recognise that parents and key carers can have a vital role in ensuring Children's Rights are met. Therefore, to accompany this legislation, a publicity and information campaign raising the awareness of parents and carers about how the UNCRC applies to all Scotland's children would be helpful. This would be a worthwhile investment for the Scottish Government to keep parents and key carers informed of the commitment to the UNCRC. However the UNCRC should be incorporated in domestic Scots Law to ensure all Scotland's children have the best chance in life.**

**Thank you for your time.**